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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
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ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/753,935	NYBO ET AL.	
	Examiner	Art Unit	
	Nhan T. Tran	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 January 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/30/01*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 21 is objected to because of the claim recites "the digital input receiver" in line 6 on page 30. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-6, 9, 14-27 & 29 are rejected under 35 U.S.C. 102(e) as being anticipated by Morandi et al (US 6,093,019).

Regarding claim 21, Morandi discloses a system for capturing and administering digital images, comprising:

an input device (system bus 150) configured to electronically receive and buffer image data (in RAM 124 or storage 136) such that a desired quantity of image data is available at any given time (Figs. 1 & 3; col. 4, lines 38-45 and col. 5, lines 37-41);

a storage device (database 140) configured to maintain a database and a plurality of data structures (Figs. 1 & 3; col. 4, lines 11-24 and col. 6, lines 3-9);

a trigger configured to create a trigger event signal (col. 3, lines 39-44);

a user interface (318, 131) configured to receive user commands and present data for use by a user (Figs. 1 & 3; col. 3, lines 25-60 and col. 5, lines 23-34);

a processor (118, Fig. 1) connected to the digital input receiver, storage device, trigger, and output device and programmed to, electronically capture a digital image (i.e., capture a still image in motion images) from the input device in response to the trigger event signal (col. 3, lines 39-44), create a data structure and store the digital image and pre-defined identification data in the data structure, store the data structure in the database within the storage device, and provide access to the database by way of a user interface such that a user is allowed to use a data structure stored in the database (see col. 4, lines 5-24 and col. 5, line 66 – col. 6, line 9).

Regarding claim 22, see the analysis of claim 21.

Regarding claim 23, Morandi discloses an image data generating means (110, 114) configured to transmit image data to the means for electronically receiving image data into an input module (see col. 3, lines 7-16).

Regarding claim 24, it is clear that the data structure comprises a database record as shown in col. 4, lines 11-24 and col. 6, lines 1-9.

Regarding claim 25, see the analysis of claim 21, wherein the application program shown in **Fig. 3** is executed for performing a method for capturing and administering digital images. See col. 4, line 66 – col. 6, line 44. It is noted that the application program "310" should be understood as "319" due to typo through out the reference.

Regarding claim 26, since the stored image data in the database 140 can be accessed by a user via wide area network or even the Internet (col. 4, lines 17-24), the limitation "the user interface comprises a web browser configured to allow the user to access the digital image through a computer network" is inherently met. "a web browser" must exist for the user to use the Internet. Morandi also shows a video signal generator (110, 114) for generating the image data (Fig. 1).

Regarding claim 27, the video generator (combination of 110, 114) is a video camera since it is able to capture movie or motion images.

Regarding claim 29, Morandi also discloses that the trigger is activated manually by a user by using foot pedal switch, a pointing device, mouse, etc. (col. 3, lines 25-39 and col. 5, lines 23-34).

Regarding claim 1, see the analysis of claim 21.

Regarding claims 2 & 3, see the analysis of claim 26.

Regarding claim 5, see the analysis of claim 27.

Regarding claim 6, also disclosed is that the image data transmitted from the video camera is in digital format (see col. 2, lines 34-47).

Regarding claim 9, see the analysis of claim 29.

Regarding claim 14, the use by the user further comprises at least viewing and displaying the image data (see Figs. 5 & 6).

Regarding claim 15, it is also clear that prior to step (b), a user defining the pre-defined identification data (col. 4, lines 9-11).

Regarding claim 16, the digital image is stored in a compressed format of JPEG (col. 6, lines 3-10).

Regarding claims 17 & 18, video clips in MPEG format are also created and stored in the database (col. 6, lines 3-10).

Regarding claim 19, see the analysis of claim 21, wherein "a medical video camera" is presented by the dental video camera, and video data is converted into image data and buffer a desired quantity of image data at any given time (see col. 5, lines 6-50).

Regarding claim 20, it is seen that the video camera in Morandi is selected from a general purpose camera that uses conventional optical system and image sensor (col. 3, lines 7-13).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 10-11, 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morandi et al (US 6,093,019) in view of Stevens (US 6,327,570).

Regarding claim 30, Morandi discloses that the data structure of a patient's file is stored in a local storage (136) at step 230 (col. 4, lines 5-15) and/or also can be stored in the database (140) (col. 4, lines 15-24). However, Morandi is silent about storing the data structure in the database in response to the database being available, and storing the data structure in the local storage in response to the database being unavailable.

As taught by Stevens, it is well known in the data communication over a network that all data that would be normally transmitted into a network (i.e., to a database) from a transmitting device would be stored in a local storage of the transmitting device and the data is transmitted as soon as the network is available (see Stevens, col. 3, lines 35-49).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the imaging system in Morandi for storing the data structure in the database in response to the database being available, and storing the data structure in the local storage in response to the database being unavailable in view of the suggestion of Stevens so that image data can be stored either in the local storage or by transferring to store into the database when it is available to free more space in the local storage.

Regarding claim 31, see the analysis of claim 30. It is clearly seen that in the data is initially stored in the local storage if the network (i.e., a database) is not available, and the data is transferred only when the network is available.

Regarding claims 10 & 11, see the analyses of claims 30 & 31, respectively.

4. Claims 8 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morandi et al (US 6,093,019) in view of Kim (US 6,480,225).

Regarding claim 28, Morandi teaches that the image can be captured in response to a predefined triggering event, for example in response to particular pattern in motion data (col. 3,

lines 39-44). Morandi does not explicitly teach that the trigger is activated automatically based on the passage of time.

As taught by Kim, image data can be automatically captured in response to a predetermined triggering event ($\Delta t = t1$) if there is no detection regarding a particular change in an image, and the image data is automatically captured in response to other triggering event ($\Delta t=t2$) if there is a particular change in the image data so that the image can be stored at shorter intervals when there are more variations in images. See Fig. 4; col. 3, line 60 – col. 4, line 23.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Morandi to capture the image in response to the predefined trigger that is activated based on the passage of time if there is no particular pattern detected in the image data so as to provide more accuracy during observing the captured object.

Regarding claim 8, see the analysis of claim 28.

5. Claims 12, 13 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morandi et al (US 6,093,019) in view of Miller (US 5,506,984).

Regarding claim 32, Morandi discloses that the image data is archived to an archive medium (i.e. mass storage 136 or database 140) as shown in Fig. 1. However, Morandi does not teach the location of the archive medium and at least one identifier relating the archive medium to a location with in an archive is recorded in a catalog, and offering the catalog for use by the user.

Miller teaches an electronic catalog (Fig. 7) that is offered to the user to indicate the location (Fig. 9) of the archive medium of image data and at least one identifier (data ID, database ID or record number as shown in Figs. 9 & 10) relating the archive medium to a location within an archive so that the user can retrieve the image data quickly and easily via such an electronic catalog (see col. 7, lines 29-54).

Therefore, it would have been obvious to one of ordinary skill in the art to configure the imaging system in Morandi to record in an catalog the location of the archive medium and at least one identifier relating the archive medium to a location within an archive and offer the catalog for use by the user so that the user can quickly and easily retrieves and views the image data.

Regarding claim 12, see the analysis of claim 32.

Regarding claim 13, as shown in Fig. 9 of Miller, the data structure is indexed as record numbers for facilitating retrieval of the image data at a later point.

6. Claims 4 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morandi et al (US 6,093,019).

Regarding claim 4, Morandi does not disclose that the web browser is configured to allow the user to display, print, playback and store the digital image on a remote computer. An Official Notice is taken that such the configuration of a web browser is well known in the art to

allow the user to perform those functions on a remote computer. Therefore, it would have been obvious to one of ordinary skill in the art to configure a web browser to allow the user to display, print, playback and store the digital image on a remote computer in a conventional way.

Regarding claim 7, although Morandi teaches the buffer as analyzed in claim 21, Morandi is silent about the buffer being a LIFO. However, an Official Notice is taken that the buffer can be implemented in FIFO or LIFO as obvious variants. Therefore, it would have been obvious to one of ordinary skill in the art to also recognize and configure the buffer in Morandi according to LIFO protocol as an obvious variant over other type of buffers.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.

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